

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 189 OF 2023

Namdeo Laxman Korde and ors __ Vs. __ Rukhminabai Sopan Dube and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.K.Wankhade, Advocate for petitioners

CORAM : AVINASH G. GHAROTE, J.

DATE : 20/02/2023

1] Heard Mr. Wankhade, learned counsel for the petitioner.

2] The petition challenges the order below Exh.5 passed by the learned Trial Court in RCS No. 169/2019, dated 29.7.2020 (pg. 32) and the judgment in Misc. Civil Appeal No. 25/2020, dated 23.8.2022 (pg.43) on the sole ground that the judgment in appeal restrains the petitioners from using the Falegaon-Kapsi-Shirputi Tar road.

3] In my considered opinion, the judgment of the learned Appellate Court contains no such direction. What is directed is that the original defendant Nos. 1 to 3 i.e. the petitioners herein are restrained from creating any obstruction to the use of the tar road by the plaintiffs/respondents till the decision of the suit.

4] Since that is the only ground raised to challenge the judgment and order impugned and the

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challenge is not borne out from the language of the judgment dated 23.8.2022, there is no reason to interfere. No other ground is raised. The petition is therefore dismissed. No costs.

JUDGE

Rvjalit